

REMARKSElection/Restrictions

In the Office Action dated August 26, 2004, Examiner required an election of a single disclosed species among Species A through G under 35 U.S.C. §121.

During a telephone conversation on August 18, 2004, Applicant made a provisional election to prosecute the invention of Species B of Figure 13, to which claims 3-7, 9-11, 27-31, 52-56, and 75-79 are restricted.

Applicant hereby affirms the election of Species B of Figure 13, to which claims 3-7, 9-11, 27-31, 52-56, and 75-79 are restricted. Claims 9-11 have been withdrawn by Applicant.

Specification

The abstract stands objected to for including language that is implied. Applicant has deleted the phrase “is disclosed” on Page 46, Paragraph 77, line 2, as requested by Examiner.

Applicant respectfully submits that the specification is currently in condition for allowance. Reconsideration and withdrawal of the objection is respectfully requested.

Claim Rejections – 35 U.S.C. §112

In the Office Action dated August 26, 2004, Examiner rejected Claims 9-11 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9-11 have been withdrawn. Therefore, Examiner’s rejection is moot.

Claim Rejections – 35 U.S.C. §102

Claims 1, 2, 24-26, 48-51, 73, 74, and 96-101 stand rejected under 35 U.S.C. 102(e) as being anticipated by Kobe et al. (US 6,610,382 B1). Applicant respectfully disagrees with Examiner's contentions.

Directing Examiner's attention to MPEP 2131, the threshold issue under Section 102 is whether the Examiner has established a *prima facie* case for anticipation. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)". "The identical invention must be shown in as complete detail as is contained in the ...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1566 (Fed. Cir. 1989).

Independent Claims 1, 25, 50, 73, 96-98, and 100

Amended Claim 1 recites a grip comprising "a body having a first side and a second side opposite said first side, wherein said first side is flat; a stretchable material having a top surface and a bottom surface opposite said top surface, said top surface adhered to said second side of said body; and a releasable adhesive disposed on said bottom surface of said stretchable material, said releasable adhesive configured to adhere to the outer surface."

Kobe does not teach a grip comprising a body having a first side that is *flat*. As seen in Fig. 1 and the description, Kobe teaches a body having a first side with upstanding stems, stating, "The article 20 includes a backing layer 21 having a first surface 24 with an array of upstanding stems 26." (Col. 3, lines 39-42). Kobe further states that "As used herein, backing layer refers to an assembly having one or more layers supporting the upstanding stems" (Col. 4, lines 5-7).

As would be appreciated by one with ordinary skill in the art, there is a clear structural and functional distinction between the *flat* top surface in Claim 1 of the present invention and the top surface with *upstanding stems* in Kobe.

When a user grabs a skin layer with a flat top surface as in Claim 1 of the present invention, the user's hand creates a seal with the surface, preventing any water from migrating underneath the hand, thereby ensuring a secure and non-slippery top surface underneath the user's hand in wet conditions. On the other hand, when a user grabs a skin layer with upstanding stems as in Kobe, the stems prevent the user's hand from creating a seal with the top surface. This absence of a seal allows water to originate from a portion on the top surface away from the user's hand and travel in between the upstanding stems, and eventually underneath the user's hand.

Also, a body having a flat first side can readily accept the application of ink, graphics, antimicrobial agents, antibacterial agents, adhesives, and other materials. In contrast, a top surface with upstanding stems cannot be treated with such materials since they would seep through the upstanding stems, away from the top surface and not adhere to the top surface.

These differences demonstrate why a surface with upstanding stems is not the same as a surface that is flat. Therefore, it is clear that the top surface in Kobe is not flat, and fails to teach this limitation of Claim 1 of the present invention.

The same arguments made above with respect to the patentability of Claim 1 are also applicable to the patentability of independent Claims 25, 50, 73, 96-98, and 100.

Applicant respectfully submits that Kobe fails to teach each and every element of Claims 1, 25, 50, 73, 96-98, and 100. Therefore, these claims are currently in condition for allowance. Reconsideration and withdrawal of this rejection is respectfully requested.

Dependent Claims 2, 24, 26, 48, 49, 51, 74, 99, and 101

Since Claims 2, 24, 26, 48, 49, 51, 74, 99, and 101 depend respectively from independent Claims 1, 25, 50, 73, 98, and 100, they are also patentable as they contain the same limitations as their respective parent claims.

Claims 2, 24, 26, 48, 49, 51, 74, 99, and 101 are currently in condition for allowance.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. §103 – Kobe/Oseroff (US 3,848,480)

Claims 3, 4, 7, 27, 28, 31, 52, 53, 56, 75, 76 and 79 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobe in view of Oseroff et al. (US 3,848,480). Applicant respectfully disagrees with Examiner's contentions.

Since Claims 3, 4, 7, 27, 28, 31, 52, 53, 56, 75, 76 and 79 depend respectively from independent Claims 1, 25, 50, and 73, they are also patentable as they contain the same limitations as their respective parent claims.

Claims 3, 4, 7, 27, 28, 31, 52, 53, 56, 75, 76, and 79 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. §103 – Kobe/McCalla (US 6,364,500 B1)

Claims 3, 5, 27, 29, 52, 54, 75, and 77 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobe in view of McCalla et al. (US 6,364,500 B1). Applicant respectfully disagrees with Examiner's contentions.

Since Claims 3, 5, 27, 29, 52, 54, 75, and 77 depend respectively from independent Claims 1, 25, 50, and 73, they are also patentable as they contain the same limitations as their respective parent claims.

• Claims 3, 5, 27, 29, 52, 54, 75, and 77 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. §103 – Kobe/Bixler (US 5,251,903)

Claims 3, 6, 27, 30, 52, 55, 75, and 78 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobe in view of Bixler et al. (US 5,251,903). Applicant respectfully disagrees with Examiner's contentions.

Since Claims 3, 6, 27, 30, 52, 55, 75, and 78 depend respectively from independent Claims 1, 25, 50, and 73, they are also patentable as they contain the same limitations as their respective parent claims.

Claims 3, 6, 27, 30, 52, 55, 75, and 78 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. §103 - Kobe

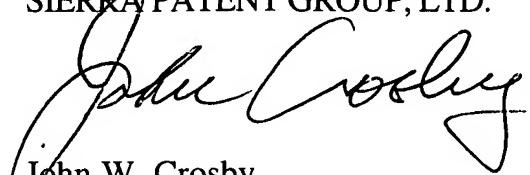
Claims 23, 47, 72, and 95 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobe. Applicant respectfully disagrees with Examiner's contentions.

Since Claims 23, 47, 72, and 95 depend respectively from independent Claims 1, 25, 50, and 73, they are also patentable as they contain the same limitations as their respective parent claims.

Applicant respectfully submits that Claims 23, 47, 72, and 95 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested. Reconsideration and withdrawal of the rejection is respectfully requested.

- If the Examiner has any questions regarding this application, the Examiner may telephone the undersigned at 775-586-9500.

Respectfully submitted,
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